

GTR

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAY 21 '08 ML 1587

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose ESTRADA-Ceja,

Defendant

Magistrate Docket No.

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF:

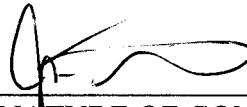
Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **May 20, 2008** within the Southern District of California, defendant, **Jose ESTRADA-Ceja**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF MAY 2008



Anthony J. Battaglia  
UNITED STATES MAGISTRATE JUDGE

Jose ESTRADA-Ceja

### PROBABLE CAUSE STATEMENT

On May 20, 2008, Border Patrol Agent J. Wagner was conducting line watch duties near Campo, California. At approximately 6:45 a.m., Agent Wagner responded to a seismic intrusion device in an area known as "Volmer's Gulley." This area is approximately six miles east of the Tecate, California Port of Entry and approximately a tenth of a mile north of the United States / Mexico International Border.

Agent Wagner responded to the area and found their footprints crossing the Border Road. Agent Wagner proceeded to follow the footprints north. Border Patrol Agent T. Tucciarone briefly saw the group from a high point by binoculars and further guided Agent Wagner toward the location. After a few minutes, Agent Wagner saw the group and approached them. The group briefly ran and then sat down, except for two individuals that ran back south into Mexico. Border Patrol Agent Wagner identified himself as a United States Border Patrol Agent and questioned all twelve individuals regarding their citizenship and nationality. All individuals, including one later identified as the defendant **Jose ESTRADA-Ceja**, admitted that they were citizens and nationals of Mexico. Agent Wagner then questioned all the individuals regarding any immigration documents they might have allowing them to enter into or remain in the United States legally. All individuals, including the defendant, admitted that they did not. Agent Wagner arrested the individuals and walked them to State Route 94 for further transport to the Tecate Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **February 28, 2004** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally. He stated his intended destination was Fresno, California.